

**REGULAR MEETING OF THE
GOVERNMENTAL AFFAIRS COMMITTEE
JULY 9, 2009 – 4:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Chairperson Laurie Boivin called the meeting to order at 4:05 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Laurie Boivin, Randal Chevalier, Ben Kaquatosh, Wayne Waupoose, Kathy Kaquatosh, and Rose Ponfil. MEMBERS ABSENT: Jeremy Weso (excused). Also present: Brett Hoffman, Daniel Maine, Bill Kussel, John Wilhelmi, Brianna Ninham, and Linda Peters, Recorder.

2. Moment of Silence. Laurie Boivin requested a moment of silence.

3. Approval of Bylaws.

There has not been a full Committee present to review and approve the Bylaws. Laurie Boivin informed the Committee that the Bylaws will need to be approved at this meeting. The Committee discussed the Standards of Conduct portion of the Bylaws, and the word “removal” needs to be added into Article III, number 2, first sentence: Members of the Committee may be recommended for **removal** by the Committee....

Motion made by Ben Kaquatosh to approve the Bylaws with changes as recommended. Second was by Rose Ponfil. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

4. Approval of Minutes Dated June 11, 2009.

No corrections necessary.

Motion made by Kathy Kaquatosh to approve the minutes dated June 11, 2009 with any changes. Second was by Randal Chevalier. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

5. Property Policy – Brett Hoffman.

Brett Hoffman presented the Policy to the Committee for approval. The Committee reviewed the inventory processes and schedules, corrected the numbering system and attached forms within the Policy. They checked the document for grammatical errors, and incorporated the current MITW Vehicle Use Policy. There was some discussion on the confiscation of firearms and their disposal procedures, and the responsibilities for lost or stolen property.

Motion made by Randal Chevalier to approve the Property Policy with corrections as discussed. Second was by Kathy Kaquatosh. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

6. Monetary Distribution Policy – Yvette Ducane.

This Policy was not ready for review.

Motion made by Kathy Kaquatosh to table the Monetary Distribution Policy. Second was by Ben Kaquatosh. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

7. Development of a Tribal Health and Safety Ordinance.

John Wilhelmi reviewed with the Committee the aspects of developing their own OSHA type Ordinance. The Tribe could list the duty of employers/employees to keep a safe environment; set higher safety and health standards, conduct and keep inspection records on file, and enforce the ordinance with the applicable penalties.

The Tribe already has federal, state, and tribal standards for various buildings due to funding sources. Mr. Wilhelmi will review and incorporate the safety manual standards into a Draft Ordinance for the Committee to consider at the next meeting.

8. Menominee Indian Economic Development Authority.

The purpose of this Draft Ordinance is to develop an entity for any future non-gaming tribal businesses. The Tribe has hired a consultant that will be able to utilize this Ordinance to the Tribe's advantage in economic growth. John Wilhelmi will incorporate Bylaws, Code of Ethics, and reference the Conflict of Interest Ordinance.

The Tribe will also have to allocate start up funds for this Chartered Business.

This item will remain on the agenda until completed.

9. Menominee Indian Contractors Preference.

Laurie Boivin updated the Committee on this Draft Ordinance. The Draft will be sent to MTE, College of Menominee Nation, Casino, and to Brett Hoffman for their review and input.

Committee Members and the entities mentioned will submit their comments to John Wilhelmi by July 17, 2009, and Mr. Wilhelmi will get the updated draft to the Chairman's Staff by July 31, 2009 for the August 5, 2009 special meeting that will start at 2:00 p.m.

10. MITW Vehicle Use and Maintenance Policy & Procedure.

The MITW Vehicle Use Policy has been incorporated into the Accounting Manual tonight as presented by Brett Hoffman. The liability issue in regards to the Tribal Police Department transporting family and non-employees in the vehicles on or off duty surfaced when the Menominee Tribal Police Policy was recently approved by the MTL.

Dan Maine presented a memo last month that the Tribe's existing insurance policy is prohibited under any circumstances. William Kussel expressed his concern that mirrors the same liability issue noted by the Insurance Department. Mr. Kussel explained the Federal Tort Claims Act to the Committee that the Tribe would only be covered "under the official scope of duties."

The GSA vehicle can not be for personal use. A tribal vehicle can only be taken home for business or personal training. The vehicle needs to have a mileage sheet and gas receipts showing when the vehicle was used for official duties. If the vehicle is being use for personal reasons, the Tribe would need to issue a 1099 form. The mileage sheet would have to reflect the mileage to and from home, store, etc.

According to Mark Waukau, the BIAM states that police officers can take their vehicles home. Mr. Kussel will contact the Bureau of Indian Affairs and review 25 CFR in relation to the BIAM standards about police officers taking their vehicles home with them.

Motion made by Ben Kaquatosh to recommend to the Legislature that after the review of the Menominee Tribal Police Department Vehicle Use Policy- Section B-(i), which states that “Command Staff may use their assigned vehicles as they would with their personal vehicles, due to their position”, needs to be removed from that Policy, because it is in conflict with the Accounting Manual (Ordinance # 80-07), which prohibits personal use of vehicles, and there is concern with insurance, FTCA protection, along with tax liability; therefore, it is the recommendation of the Governmental Affairs Committee that this language be stricken from the policy. Second was by Kathy Kaquatosh. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

11. Backgrounding Volunteers Policy.

Ben Kaquatosh compiled the Federal, State, and Tribal laws that the Tribe has followed in regards to backgrounding volunteer and has submitted a draft policy for Committee approval. Mr. Kaquatosh will send the updated policy to all the Directors with a reminder that backgrounds checks need to be performed.

12. Other Business

MEDICARE HEALTH CARE RATES

Dan Maine explained to the Committee about stop loss insurance, the laser effect, and how this policy works for the Tribe. The Tribe’s insurance company is requesting information two weeks prior to issuing our policy to meet their underwriting requirements. Once they receive the information, they may increase or decrease the premium amount for the year. Dan Maine presented three different calculations to the Committee and is requesting that the Tribe set their Health Care Rate at 4.91 percent.

Motion made by Ben Kaquatosh to recommend to the Legislature to accept the report that Dan Maine has presented to us, and that we approve the 4.91 percent change in our health rates (no more that 5 percent) for the next plan year. Second was by Wayne Waupoose. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

AMENDMENT TO ORDINANCE #87-32

The Community Development Committee is looking for the Governmental Affairs Committee to amend the section of this ordinance pertaining to mobile homes. William Kussel will draft the amendment and have this ready for the next meeting.

13. Adjournment.

Motion made by Kathy Kaquatosh to adjourn the meeting. Second was by Ben Kaquatosh. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 1 absent (Weso).

Meeting adjourned at 7:20 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber
Recording Clerk-Chairman's Office